Seconded by Mr. Nagam Aiya.

Carried.

CIVIL PROCEDURE CODE AMENDMENT BILL.

Mr. Kunhiraman Nair.—I beg to move that the Report of the Select Committee on the Civil Procedure Code Amendment Bill be taken into consideration.

The Bill as originally introduced has been thoroughly recast by the Select Committee who have added 33 more sections embodying further amendments to the Bill. These amendments have been briefly explained in the Report which was presented to the Council on 30th November 1901 and published in the official Gazette. The advisability of amending Procedure Codes from time to time, with a view of curing any defects discovered in the course of working these codes, has been acknowledged by eminent jurists and statesmen; and the object of the Bill as revised, and of the further amendments which I shall have to propose presently, is the removal, as far as possible, of the doubts raised by several reported decisions of courts here and elsewhere, on the interpretation of the C. P. C, and of the practical inconveniences and difficulties experienced in the working of the existing code. It may also be observed that in making amendments, we are moving but slowly and with due caution, as will be evident from the fact that the Civil Procedure Code now in force in this State enacted in the year 1065 on the basis of the British Indian Code (Act 14 of 1882) has been amended here only once, that is by Regulation II of 1070, during the last 12 years it has been in operation, though the corresponding British Indian Code has been amended by as many as 17 Acts of general, and 7 Acts of local application. Another draft Bill for a thorough revision and re-enactment of the whole Code has also been published by the Government of India since the presentation of the Report of our Select Committee, but the British Indian Bill, which is of a comprehensive nature, is only in its initial stage and may take a couple of years before it can be passed into law. The legislation already undertaken here, which is sufficient for our present purpose, need not be delayed until the passing of the recent British Bill, though we may take this opportunity of incorporating in our Bill, with the necessary modifications, such of the amendments suggested by the British Indian Bill as seem worthy of adoption in the circumstances of this State and are not of a controversial kind. A reason for instant action is furnished by the urgent necessity there is for protecting from attachment, on the lines of the British Indian Act 9 of 1897, the State Insurance Fund recently established in this State, and for enacting the amendments relating to the conduct of suits on behalf of minors and other incapable persons as contained in sections 420, 423, 426 and 441 of the Civil Procedure Code which, on the recommendation of the Select Committee on the Guardians and Wards Bill since passed into law, had been transferred to the present Bill. Another reason for our passing the present Bill is that as the law of Civil Procedure has an intimate bearing upon the efficient administration of justice, any amendment calculated to improve that law, even though in a fragmentary form, should be instantly adopted, the work of comprehensive codification being reserved for leisurely consideration when proper materials for such codification are before the Government.

Coming to the Select Committee's report, I shall describe to the Council the chief amendments made by the Committee leaving out the minor amendments sufficiently explained in the report.

Firstly.—The Committee have, at the suggestion of the local High Court, added a new para to section 154 giving express power to the courts to refuse to issue processes to witnesses when the application is made so late that the summons could not be served in time and the witness could not possibly appear at the date fixed for hearing. This power is exercised in practice, but in the absence of legislative recognition of the practice, questions as to the legality of the practice may be raised. One of the dodges of unscrupulous litigants is to procrastinate a trial, by applying for summonses at late stages and the amendment will, it is hoped, cure the evil to some extent. It was suggested by the local High Court, in conformity with the rulings of the British High Courts quoted in the Committee's Report, that the courts should also be empowered to refuse summonses where there is reason to think they are

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applied for merely to obstruct the course of justice, but this discretion, it was feared, might sometimes be liable to abuse and lead to complaints of arbitrary exclusion of relevant evidence in civil cases, and the suggession has not been adopted by the Committee. My own view is that this power, which is exercised by the Criminal Courts (see section 257 of the British Code corresponding to section 234 of our Code), and which, as observed by a late Law Member of the Indian Government (Mr. Stokes) in his Anglo-Indian Codes, Vol. 2, page 406, is inherent in the courts, may be conferred upon the civil courts too, and I leave the matter in the hands of the Council, simply remarking that in the British Indian Bill this power is given. I find there a proviso laid down to the effect that the court may, for reasons to be recorded, refuse to issue any summons when it considers that the application for such summons has been made for the purpose of vexation or delay or, to defeat the ends of justice. People of rank and position, especially women who, though not goshas and as such legally exempted from appearing in public, have, it is notorious, a prejudice against appearing as witnesses in courts, should not be unnecessarily summoned to appear in courts.

Secondly.—The Committee have, at the suggestion of the local High Court omitted section 189, which is practically a dead letter, as the affidavits of persons therein mentioned, namely, persons who are dead or who cannot be found or whose attendance cannot be procured without undue expense or delay, are seldom made use of in our courts, and have substituted in its place a new section wholly on the lines of section 194 of the British Indian Code which embodies a useful provision. The affidavit has been found in practice in British Courts to be a useful mode of taking evidence in all uncontested suits and in applications of an urgent and provisional character. Affidavits are not more likely to mislead than oral evidence, when sifted by cross-examination, as they are liable to be, whenever necessary. As observed by a late Law Member of the Government of India, "one who cross-examines on affidavits has a considerable advantage, in that his enemy has written a book, and a book which he has had time to study before he comes to cross-examine."

Another amendment made at the local High Court's suggestion is the omission of section 207 of the C. P. C. and the substitution in its place of the British section 212, with a slight modification. Section 207 appears to have been framed in order to compel the courts to determine before the decree itself, the question as to the amount of mesne profits and value of improvements on lands forming the subject-matter of a suit, instead of reserving the question for settlement in execution; but the experience of the working of the section has been to show that it tends to delay the disposal of cases, especially appeals, and that the balance of convenience is in favor of granting to the courts a discretion to reserve such questions for disposal on further orders. It sometimes happens that, when the findings of the lower courts on questions of title to the land in dispute are reversed by the appellate court and the plaintiff is found entitled to recover the land, the appellate court is unable to pronounce its judgment and draw up a decree at once, and it has to wait for months for receipt from the lower courts of fresh findings as to the amount of mesne profits or value of improvements. It has also been found that such immediate determination is not an unmixed good to the parties as, at the time of final execution of the decree, the question of the increase or decrease in the value of improvements that might be caused by the diligence or negligence, as the case may be, of the party in actual possession, is raised by the parties as they are entitled to do under section 238, and the whole enquiry has practically to be conducted again. The British section leaves a discertion to the courts in the matter of mesne profits, and such discretion may well be left to the courts here too, especially to superior courts exercising appellate powers, it being, if necessary, laid down by a proviso to the section that the original courts shall in all cases where they find in favor of plaintiff's title to the property, fix the amount of profits due to the plaintiff up to date of suit by the decree itself. The reservation allowed by the British Code, while being convenient to the courts, especially appellate courts, does not in any way affect the interests of the parties, as the further orders fixing the amount of mesne profits or value of improvements are, under the definition of the term 'decree,' treated as decrees for purposes of appeal.

The addition made in section 511 relating to religious endowments has been necessitated by the absence of clear provisions for removal of a fraudulent trustee.

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The rulings of the High Courts in British India on the corresponding section 539 have been conflicting (I. L. R. 17 Madras 462, 14 Madras 186, 15 Bombay 612 and 20 Calcutta 397 and 816). As a matter of administrative policy, the power of removal should be vested in courts for the proper exercise of the main powers conferred by the section. I would, however, suggest that consistently with the policy adopted in the Religious Endowments Bill and to guard against the deprivation of vested rights of trustees, a proviso may be added to the effect that where the trusteeship is hereditary in a joint family or matom, the new trustee should be chosen from among the members of the family or matom.

I now come to the alterations and amendments made in section 533. An appellate court may, under section 23, substitute or add a plaintiff for or to plaintiff suing, strike out the name of a plaintiff or defendant and make the defendant a plaintiff and *vice versa* under section 28, and direct the amendment of a plaint under section 49. These acts may render re-trial necessary, but no provision for a remand for re-trials in such cases exists.

Section 533 read with section 535 has the effect of absolutely prohibiting remands for fresh trial except in cases where the decision of the lower court proceeded on a preliminary point in such a way as to exclude evidence of relevant facts. It will thus be seen that section 533 is defective, in that it does not provide for the numerous cases in which a court of first instance, without deciding a preliminary point at all, has committed some irregularity by reason of which there has been no proper hearing or adjudication and the party complaining of such error, omission or irregularity has been materially prejudiced thereby. An amendment in these words is added as clause (*a*) to section 562 in the recent British Indian Bill, and the amendment proposed by the Select Committee, without having had the advantage of reading the British Bill, is substantially of the same import, though clothed in a slightly different language.

A few words about the fresh amendments of which I have already given notice may also be conveniently said now, by way of explanation for their introduction. Experience gained by the working of the present Code has shown that the provisions of the present Code relating to the execution of processes, the attachment of standing crops, realisation of debts attached in satisfaction of decrees for money, and the delivering of houses and other immovable property in execution of decrees, are somewhat incomplete and the courts have, from time to time, adopted such steps as they considered best in the circumstances of each case to remedy the evils arising from the imperfectness of the law. There is reason to believe that the attachment of standing crops under orders of courts has resulted in loss in some instances, by reason of the crops being neglected by the growers after the attachment and before harvest, that the sales of debts attached by courts and sold by public auction do not fetch adequate value and are ruinous to the parties, and that the court-officers experience great difficulty in making over actual possession of houses to the decree-holders under processes of the courts. The British Indian Bill contains some valuable provisions calculated to remedy the evils felt here, and the present opportunity has been availed of to adopt the clear provisions embodied in the British Indian Bill on these points. The execution of decrees is an important function, in the proper performance of which depends a good deal the full realisation of the end and aim of the establishment of civil tribunals, and provisions for performing this function in a way least irksome to the decree-holders and the decree-debtors, are to be welcomed in the interests of sound administration. The amendments on these and other points will be explained more fully as they are moved one by one, and I must now conclude my remarks with a re-iteration of the concluding recommendation of the Select Committee to issue a revised edition of the Code. The convenience of the courts, the Bar and the public requires that the amendments made should appear in the revised edition side by side with the original provisions of the Regulation.

Seconded by Mr. Nagam Aiya.

The motion was put and agreed to.

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Section II of the Bill.

Mr. Kunhiraman Nair.—I beg to propose that the words "Regulation II of 1065" be added at the end of clause (1) of this section. This is merely a verbal amendment.

Seconded by Mr. Nagam Aiya.

Carried.

Section 2 of the Code.

Mr. Kunhiraman Nair.—I beg to propose that the following definition be added at the end of this section :

"The words 'a time to be fixed' and 'a time fixed' occurring in any of the sections of this Code include any extension of the time granted by the court."

This amendment is not new. In section VI of the Amended Bill, an *Explanation* is added as applying to section 50 of the Code. The expressions referred to in the amendment occur also in other sections of the Code and it is thought desirable to make the *Explanation* one of general application. This purpose will best be served by inserting it in the form of a definition as now proposed. If this amendment is passed, the *Explanation* in section VI of the Bill may be omitted.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section 30 of the Code.

Mr. Kunhiraman Nair.—I beg to propose that the following words be inserted after "hearing" in line 4 of this section:

"or where issues are settled, at or before the settlement of issues, unless the ground of objection has subsequently arisen."

Cases are not generally taken up on the day fixed in the summons for first hearing, and the day on which issues are settled seems to be the proper time for taking objections as to non-joinder or mis-joinder of parties, as it is the day on which parties or Vakils are regularly heard. Objections on this score may arise also after the settlement of issues and it is unjust to exclude such objections which, from the very nature of the case, the parties could not take before the first hearing or settlement of issues. The amendment proposed provides for the entertainment of such objections.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section 39, sub-section (4).

Mr. Kunhiraman Nair.—I beg to propose that in line 3 of sub-section (4), the words "or where issues are settled, at or before such settlement" be inserted between "hearing" and "allow". The reasons for this amendment are the same as those for the amendment just carried. The amendment allows a plaint to be amended at any time before the settlement of issues, which is the proper time at which such matters are brought to the notice of the court.

Seconded by Mr. Kesava Pillai.

Carried.

Section 40, clause (a).

Mr. Kunhiraman Nair.—I beg to propose that the words "or for damages in respect of waste committed by any person in unlawful possession thereof" be added after the word "claimed" in clause (*a*) of this section. The clause as it now stands

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does not provide for the joinder of a claim for damages in respect of waste committed by a person in unlawful possession of immovable property with a claim for the recovery of that property or for declaration of title to such property, in the same way as claims for rent or mesne profits are now joined. In practice, however, it has been found convenient to allow such joinder; and the practice enables the court to adjudicate, once for all, all disputes between the parties in regard to such property. The balance of advantage is in favor of such joinder. Hence the amendment.

Seconded by Mr. Kuruvila.

Carried.

Section 46.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as clause (3) to this section:

"Where the subject-matter of the suit is immovable property and such property is identified by boundaries or by numbers in a record of settlement, the plaint shall specify such boundaries or numbers."

The object of this amendment is obvious. It tends to prevent disputes as to the identity of any property which has formed the subject of a suit in court.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section 47.

Mr. Kunhiraman Nair.—In line 2 of this section, between the words "shall" and "be", I beg to propose that the words "except in the case of a suit instituted by Government" be inserted. Suits by Government are instituted under the orders and in the name of the highest executive authority in the land, the Dewan, and there is not the same reason, as in the case of plaints presented by private parties, why such plaints should be verified by the plaintiff. No object is gained by such verification.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section VI of the Bill.

(Section 50 of the Code).

Mr. Kunhiraman Nair.—I beg to propose that the comma after "section 50" in line 2 be converted into a full-stop and that the rest of the section be omitted. The *Explanation* which this amendment seeks to omit has been put in as a definition in section 2 of the Code by an amendment already carried. The reasons have been explained in connection with that amendment.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section 50.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as clause (2) of this section:

"If a plaint has been presented within the proper period of limitation but the court-fee paid is insufficient and the insufficiency of the court-fee was caused by a mistake on the part of the plaintiff as to the amount of the requisite court-fee, the plaint shall have, for purposes of limitation, the same effect and be as valid as if the proper court-fee had been paid."

This amendment seeks to extend to original suits the provisions contained in the new section proposed by the Select Committee (section XLII of the Amended Bill) in respect of appeals. The reasons for introducing the provision in the case of appeals apply equally to plaints.

Seconded by Mr. Rajaram Row.

Carried.

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Section 76.

Mr. Kunhiraman Nair.—I beg to propose that the words "or on some other conspicuous part" be inserted between "outer-door" and "of" in line 6 of this section, and that the words "and the name and address of the person identifying the house and witnessing the affixture" be added at the end of the section. Disputes often arise as to what the "outer-door" of a particular house is and many houses have nothing which without a stretch of language can be described as 'outer-door.' It is thought that "any other conspicious part of the house" would equally serve the purpose of affixing a copy of the summons. Some difficulty is experienced in enquiries into applications for setting aside *ex parte* decrees, for want of reliable evidence in connection with the service of processes. It seems, therefore, expedient to provide in the return endorsed on the summons for at least one identifier whom the court or the parties can call as a witness in cases of dispute with respect to the sufficiency of service. The batta peons entrusted with the service of summonses are not always expected to know the houses of defendants and a provision for procuring evidence of the identification by an independent man seems necessary.

Seconded by Mr. Kuruvila.

Carried.

Section 77.

Mr. Kunhiraman Nair.—I beg to propose that the full-stop be converted into a comma and the following added, at the end of the section :

"and the name and address of the person witnessing the delivery or tender of the summons."

This amendment follows from the one just carried, the reasons for both being the same.

Seconded by Mr. Kuruvila.

Carried.

Section 84.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as section 84 A :

"(1) Where the defendant is a public-officer or the servant of a railway company or local authority, the court may send a copy of the summons to the head of the office in which the defendant is employed, for the purpose of being served on him, if it appears to the court that the summons may be most conveniently so served.

(2) Where the summons is sent to any person for service in accordance with the provisions of this section, such person shall be bound to serve it, if possible, and to return it under his signature, with the written acknowledgment of the defendant, and such signature shall be deemed to be evidence of due service.

(3) If from any cause service is impossible, the summons shall be returned to the court with a full statement of such cause and of the steps taken to procure service and such statement shall be deemed to be evidence of non-service."

Summonses to public officers are generally served through the head of the office, but there is no statutory provision on the subject; neither is there any provision for treating the endorsement of the head of the office as evidence of service or non-service as the case may be. This will avoid the necessity for summoning the head of the office as witness when, as not infrequently happens, applications are made to set aside *ex parte* decrees under section 103.

Seconded by Mr. Kesava Pillai.

Carried.

Section 91.

Mr. Kunhiraman Nair.—Between "court-fee" and "leviable" in line 3 of this section, I beg to propose that the words "postage and postal registration fee

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(if any)" be inserted. Section 89 provides for the payment of postage and registration fee for serving processes but section 91 as at present worded does not empower the court to dismiss the suit in case such postage and registration fee are not paid. There is no reason why the non-payment of postage and registration fee should not be visited with the same penalty that is attached to the non-payment of court-fee for process.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section VIII of the Bill.

(Section 94 of the Code).

Mr. Dharmaraja Iyer.—With the permission of the President, I beg to propose that this section be omitted. The effect of this section, which has been put in by the Select Committee, is to reduce the period allowed to a plaintiff under the present law for ascertaining the whereabouts of the defendant, from six to three months. I consider this hard, as I know from experience that oftentimes, plaintiffs are unable to obtain the required information even within six months. I would, therefore, submit that section 94 as it now stands deserves to be left untouched.

Seconded by Mr. Kesava Pillai.

Mr. Kunhiraman Nair.—I oppose this amendment. It was after mature consideration that the Select Committee introduced this section. It is often found that owing to the dilatoriness or negligence of plaintiffs to furnish the necessary information for the issue of summonses to defendants, suits are unnecessarily kept on the files of the courts. In the generality of cases, there can be no great difficulty in obtaining the information within three months, if only due diligence is exercised by the plaintiffs. In particular cases where this period is found insufficient, it is open to the party to apply to the court for an extension of the time on special grounds stated, and the courts will doubtless grant the application when the necessity for the same is made out. This will afford practical relief in solitary cases of hardship. I would, therefore, urge the retention of the section put in by the Select Committee.

President.—I am not sure whether, in the circumstances of this country, the amendment proposed by the Select Committee in the present law is desirable. No doubt the tendency to drag on suits unnecessarily should be checked. But we have also to consider the hardship to the people which the proposed change may give rise to. This is a maritime State and many people on this coast proceed to Ceylon and other places on various pursuits. In such cases, a period of three months may be insufficient to ascertain the address of a defendant. It is, of course, the interest of the plaintiff to hasten the disposal of his suit as much as he can and he is not likely, therefore, to abuse the convenience afforded him by the present law.

After some discussion, the amendment was carried by a majority.

Section 103.

Mr. Kunhiraman Nair.—I beg to propose that the words "or, if he is dead, his legal representative" be inserted between "he" and "may" in line 1 of this section, and the words "or his predecessor as the case may be" between "he" and "was" in line 2 of clause (2). Application for setting aside an *ex parte* decree will have to be made by the representative of a defendant, if the defendant happens to die after the *ex parte* decree. An express provision on the point seems necessary to remove doubts.

Seconded by Mr. Rajaram Row.

Carried.

Section 111.

Mr. Kunhiraman Nair.—I beg to propose that between the words "prolix" and "or" in line 3 of this section, the words "or is not signed and verified as required by section 110" be inserted. The power conferred on a court by section 111

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to return or reject written statements should be extended also to cases where such statements are not signed and verified as required by section 110.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section XII of the Bill.

(Section 154 of the Code.)

Mr. Kunhiraman Nair.—I beg to propose that the following be added at the end of the new para proposed by the Select Committee in section 154 of the Code:

"or that the application is made for the purpose of vexation or delay or to defeat the ends of justice.

"Provided that nothing in this section shall prevent the party from examining the witness on commission on payment of reasonable expenses."

The reasons for the first part of this amendment have been already explained in the remarks I made to-day on the amendments adopted by the Select Committee. The additional clause now proposed to be put in provides a wholesome check on the propensity, sometimes noticeable in parties, to thwart the course of justice or misuse the privilege secured to them by the law. The proviso, on the other hand, enables them to obtain any useful evidence they may stand in need of, with due regard to the convenience of the witnesses. These provisions will, no doubt, be found in practical working to safeguard all interests concerned.

Seconded by Mr. Dharmaraja Iyer.

Carried.

Section 168.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as clause (2) of this section:

"On the application of either party and the payment into court of all necessary expenses (if any), the court may require any person so summoned and attending to enter into his recognizance to attend at the next or any other hearing."

The cost of litigation and the work of officers of the court are much enhanced by the necessity of issuing fresh summonses to witnesses for their appearance on the dates of adjourned hearings, and a provision for taking recognizances of witnesses seems very desirable. Hence this amendment.

Seconded by Mr. Nagam Aiya.

Carried.

Section 188.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as section 188 A:

"Where a witness is required to give evidence in two or more connected or similar suits, the court may, in its discretion, direct that he shall be examined once only and that one record of such examination shall be made in accordance with the provisions of this Chapter; and the evidence so recorded shall be evidence in each of the suits, and the record thereof or a duly certified copy shall form part of the record of each.

Provided that the parties in each of the suits shall be entitled to exercise, so far as may be, all such rights as they might have exercised under this Code or any other enactment or rule of law for the time being in force, if such witness had been separately examined in the said suit."

As the law at present stands, it is only with the consent of parties that evidence given by witnesses in one case connected with another can be accepted as evidence in the latter case. In practice, such consent is generally given but cases may be conceived in which the parties from vexatious motives withhold such consent. It is essential to

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economise the time both of the courts and of the witnesses by as much consolidation as is consistent with a due regard to the relevancy of facts and the rights of the parties at the examination. It is, therefore, proposed to invest the courts, under the necessary safeguards, with the discretion of dispensing with separate examination of witnesses in each of these connected or similar cases.

Seconded by Mr. Kuruvila.

Carried.

Section 200.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as section 200 A:

"Where a Judge has vacated office after delivering judgment but without signing the decree, a decree drawn up in agreement with such judgment may be signed by his successor or, if the court has ceased to exist, by any judge on whom the work of such court has devolved."

Some statutory provision is required to meet the cases in which, before signing the decree, the judge who delivers judgment vacates his office or the court ceases to exist by abolition or otherwise. The successor of the judge is empowered by this amendment to sign the decree.

Seconded by Mr. Rajaram Row.

Carried.

Section XX of the Bill.

(Section 207 of the Code).

Mr. Kunhiraman Nair.—I beg to propose that the following proviso be added at the end of this section :

"Provided that in suits for the recovery of immovable property with mesne profits, original courts shall, when they find in favor of the plaintiff's title to the property, determine by the decree itself the amount of such profits up to the date of the suit."

The section put in by the Select Committee gives the courts the option of either determining the amount of mesne profits by the decree itself or directing an enquiry into the matter during the execution of the decree. As I have already explained in my preliminary remarks, this discretion is necessary in the case of appellate courts but the same reason does not apply to original courts. Where the court gives a decree in favor of the plaintiff for the recovery of immovable property with mesne profits, it is better in every way that the amount of such profits is determined by the decree itself rather than be left to be contested in execution proceedings, thereby causing unnecessary delay and inconvenience to the parties.

Seconded by Mr. Kuruvila.

President.—The award of costs in a great measure depends upon the amount of mesne profits due to the plantiff. If the adjudication of the amount is postponed to the execution of the decree, there will be often very insufficient data for regulating the award of costs. I think this amendment is necessary.

Carried.

Section 218.

Mr. Kunhiraman Nair.—I beg to propose that the following be added as section 218 A:

"Upon the application of the decree-holder, the court which passed a decree may, before sending it for execution, issue a precept to any other court which would be competent to execute such decree, to attach and hold under attachment any property belonging to the judgment-debtor and specified in the precept."

Judgment-debtors often alienate property outside the jurisdiction of the court passing the decree to the prejudice of the judgment-creditors and no

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provision exists at present for attaching such property before the decree is formally transferred to the court within whose jurisdiction the property is situate. In order to prevent the effects of fraudulent alienations, it appears expedient to authorize the immediate attachment of such property by a precept from the court in which the decree is passed to the court in whose jurisdiction the property is situate.

Seconded by Mr. Kesava Pillai.

President.—This section is necessary as section 585 of the Civil Procedure Code does not apply to execution proceedings.

Carried.

As it was 5·30 P. M. when the proceedings reached this stage, the Council resolved to adjourn the meeting to the next day, the $\frac{\text{13th September 1902}}{\text{28th Chingom 1078}}$, at 2 P. M.

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